Filed 1/9/19 In re M.S.F. CA5

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

In re M.S.F. et al., Persons Coming Under the Juvenile Court Law.	
FRESNO COUNTY DEPARTMENT OF SOCIAL SERVICES, Plaintiff and Respondent, v. E.B., Defendant and Respondent. M.S.F. et al., Appellants.	F077365 (Super. Ct. Nos. 18CEJ3000002-1, 18CEJ3000002-2, 18CEJ3000002-3) **OPINION**

APPEAL from orders of the Superior Court of Fresno County. Leanne LeMon, Commissioner.

M. Elizabeth Handy, under appointment by the Court of Appeal, for Appellants.

Daniel C. Cederborg, County Counsel, Brent C. Woodward and Kevin Stimmel, Deputy County Counsel, for Plaintiff and Respondent.

No appearance for Defendant and Respondent.

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INTRODUCTION

Petitions were filed on behalf of appellants M.S.F., M.J.F., and S.W. (collectively, "minors"), alleging they came within the jurisdiction of the juvenile court under subdivisions (b) and (f) of Welfare and Institutions Code section 300.[1] The juvenile court found the subdivision (b) allegations true but found the Fresno County Department of Social Services (department) had not met its burden of proving by a preponderance of the evidence that minors came under subdivision (f), that mother, E.B. (mother), caused the death of a child by abuse or neglect. Accordingly, the juvenile court found the reunification services bypass provision set forth in section 361.5, subdivision (b)(4) did not apply because it could not find by clear and convincing evidence that mother caused the death of a child by abuse or neglect. Minors appeal these jurisdictional and dispositional findings, alleging no substantial evidence supports them. We find no error and affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On January 4, 2018, dependency petitions were filed on behalf of minors, ages four, two, and one, alleging they came within the jurisdiction of the juvenile court under subdivisions (b) and (f) of section 300. As to the subdivision (b) allegation, the petition alleged all three minors were at substantial risk of suffering serious physical harm by mother in that mother had failed to protect the children from S.W.'s father, F.W.[2] It alleged mother had a history of having relationships with violent men and that she had an ongoing violent relationship with F.W. The petition alleged that on October 18, 2017, mother and F.W. got into a physical altercation in the presence of the minors, wherein

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[1] All further statutory references are to the Welfare and Institutions Code unless otherwise noted.

[2] F.W. and M.F., the father of M.S.F. and M.J.F., could not be located for the dependency proceedings. They are not parties to the dependency proceedings nor to this appeal.

F.W. pushed mother and pulled out her hair while mother was holding S.W.

As to the section 300, subdivision (f) allegation, the petition alleged that on November 6, 2011, mother's child, S.B., passed away while in the care and custody of mother. The cause of death was fatal child abuse syndrome with blunt force injuries to his chest and abdomen. Mother had been in a domestic violence relationship with her boyfriend, Xavier H., at the time of S.B.'s death.

The children were ordered detained on January 5, 2018, and the matter was set for a combined jurisdiction/disposition hearing.

On March 13, 2018, an amended section 300 petition was filed. Among the amendments were further allegations pertaining to the death of S.B. on November 6, 2011. The section 300, subdivision (f) allegation was amended to read:

> "On or about November 6, 2011, [S.B.], half sibling of [the minors] passed away as a result of the negligence by [mother], in failing to protect [S.B.] from being severely physically abused by her live-in boyfriend, Xavier [H.] At the time of [S.B.'s] death [mother] was involved in a domestic violence relationship with her boyfriend, Xavier [H.] Prior to [S.B.'s] death, [Department of Social Services ("DSS")] and law enforcement attempted to make contact with [mother] and her two year old son, [S.B.], after receiving reports of possible abuse by [mother's] boyfriend beginning on September 26, 2011. [Mother] evaded DSS and law enforcement contact over the following two months and [S.B.] died on November 6, 2011, while in the care of [Xavier]. [S.B.'s] cause of death was fatal child abuse syndrome with blunt force injuries of chest/abdomen. [Mother] knew or reasonably should have known of ongoing abuse of her son as it was previously reported that she was present when [Xavier] put the child into a shower with water running hard on his face to prevent him from breathing as a punishment. [Mother] was also aware of bruises appearing on [S.B.] while he was in the care of her boyfriend. DSS and law enforcement were unable to investigate prior referrals regarding the abuse of [S.B.] due to [mother] evading their contact."

To support the section 300, subdivision (f) allegation, the department provided copies of the Fresno County Coroner's certificate and verdict in the matter of the death of S.B., which indicated that the manner of S.B.'s death was homicide, and the cause of death was fatal child abuse syndrome with blunt force injuries of chest/abdomen; the

Fresno County Coroner's autopsy report of S.B., which indicated S.B. had numerous injuries over multiple regions of his body; the Fresno Police Department's reports regarding the investigation of S.B.'s death; and the department delivered service logs pertaining to S.B. from September 20, 2011, through January 3, 2018.

The police reports indicated S.B. had multiple bruises all over his body and an abnormally enlarged rectum with blood in and around it, and there was pubic hair on the back of one of his thighs. At the time of S.B.'s death, he was in the care of Xavier while mother was out of the house. The investigating detective ultimately concluded in his report: "It is my opinion based on the injuries described by [the coroner's office doctor who performed the autopsy], 'the injuries that the victim sustained would have caused the victim to die in less than an hour from receiving the injuries,' that Xavier [H.] is solely responsible for the abuse and death of [S.B.]"

The investigating detectives interviewed mother at the hospital after she had been notified of S.B.'s death. When asked whether she noticed any bruises on S.B., mother said she was aware of a bruise on S.B.'s face that he received by falling at the park. She did not witness the fall, but Xavier had told her about it. She had last bathed him three days prior to his death and did not notice any injuries or bruising on S.B.'s body. The detective told mother there were several unexplained bruises on S.B.'s body, some old and some new. She said she had seen bruises on S.B., but he fell a lot and got bruises on his knees. She said a week prior S.B. was jumping off the stairs and that he plays rough with Xavier's brothers and sisters. He got a knot on his head from jumping off the bed at Xavier's mother's house. She did not see it happen, but Xavier told her about it. She did not believe Xavier would harm S.B.

The investigating detectives contacted mother's mother, L.C., and she informed them that two months prior, on September 16, 2011, her family saw a bruise on S.B.'s cheek and confronted mother about it, accusing her and Xavier of abusing S.B. Mother became upset and left the party. L.C. called the police and CPS about the bruise. During

a subsequent interview, L.C. was asked about another CPS report she had made in August 2011. L.C. said she had forgotten about that incident because she was so emotionally drained. She told the detective she had been living with mother and Xavier and was sleeping on the couch. Her other daughter woke her up and told her Xavier had S.B. in the shower. She saw Xavier had S.B.'s head under running water and that S.B. was shaking trying to catch his breath. L.C. grabbed S.B. and told Xavier to stop. Xavier yelled at her "I got this." After L.C. got S.B. out of the shower, Xavier went into the master bedroom and told mother something and stormed out of the apartment.

Mother's aunt, L.H., told the detectives that on October 14, 2011, she noticed three knots on S.B.'s forehead and scratch marks on his cheeks. L.H.'s sister, P.H., called CPS regarding the knots. P.H. had told mother she was going to call CPS about the injuries, and mother became defensive and distanced herself from her family. Mother's other aunt, M.H., told detectives mother and Xavier lived with her for a short time. She witnessed Xavier "beating on" mother in front of S.B. Mother's aunts and L.C. stated S.B.'s happy childlike demeanor changed after mother started dating Xavier, and S.B. became quiet and withdrawn.

Detectives interviewed mother again, and she told investigators she never saw any bruises on S.B.'s body. She admitted she did not answer the door when CPS responded to calls made by her family members because she "did not want to get a CPS case" and she "didn't believe [S.B.] was in any danger." When she was asked why she ignored her family when they told her S.B. had bruises on his body, she stated "they said that [because] they [were] mad at me." She told detectives S.B. started acting differently two to three months after she moved in with Xavier. She said he started listening to her more, not telling her no when she told him to do something and ate when she told him to. When shown photographs of the bruises on S.B.'s body at the time of his death, mother started crying and said, "I didn't see that." She then said she thought Xavier loved S.B. and that she had no reason to worry. She said that when she would get ready to leave,

S.B. would say "no mommy." He said this "all the time," but mother didn't think anything of it because she trusted Xavier and did not think he would hurt S.B. She then told the detectives she had seen bruises on S.B.'s stomach and asked him what happened, and he said "Da-Da." During the interview, she cried and said she had not paid attention. She admitted to seeing bruises on S.B.'s body and asking Xavier what happened, and he always had an excuse or reason she could believe, so she never suspected S.B. was being abused. Approximately one week before S.B.'s death, she noticed he was moving more slowly than usual. She explained to the detectives that when the three of them were home together, S.B. would cuddle up next to her and not want to go to Xavier. She said, "oh my god he was scare[d], I didn't see it." Xavier took care of S.B. daily.

The reporting detective concluded in regard to mother: "Although I believe [mother] should have been aware of the changes in the victim's demeanor and the bruising on the victim's body that her family made her aware of, her statements, recollection of events and surprise reaction to the photographs and cause of the victim's death, it does not appear she was aware of the abuse of her child."

The department delivered service logs attached to the jurisdiction report confirmed that the department received three referrals regarding [S.B.] in the months leading up to his death. On September 16, 2011, and October 22, 2011, the department received reports that S.B. had a bruise on his cheek and an old scar under his eye. On September 20, 2011, S.B. was reported to have faded bruises, and Xavier was seen putting S.B. in the shower with water so strong he could not breathe. The first referral was evaluated out; law enforcement responded and deemed the reports inconclusive because they could not make contact with the family. The second two referrals were deemed inconclusive because the department could not make contact with the family.

According to department delivered service logs, on April 20, 2012, the circumstances surrounding S.B.'s death were evaluated for allegations of severe neglect

as defined by Penal Code section 11165.2.[3] The allegation was deemed "inconclusive" as to mother because although she was not home at the time S.B. died and the injuries that caused his death occurred within 10 minutes to one hour before his death, she admitted she observed S.B. to have sustained bruising in the past while in the care of Xavier. Quality assurance subsequently conducted a routine review of the finding and evaluated the allegation as "substantiated":

> "As part of a routine review of all child fatalities in Fresno County, [department quality assurance] reviewed the entire circumstances leading up to the death of this child and determined that the evidence in this case does support a finding of substantiated in regards [to] the mother's failure to protect. There were three prior reports of this child having marks and bruises. The mother was evasive not only with DSS and Law Enforcement, but also with her own family members. Family members also reported that when the mother was questioned about suspicious bruising on [S.B.] at a birthday party, the mother became upset and left the party. The family also reported the mother being present when the boyfriend placed the child in the shower as punishment, and compared the act to 'water boarding', as the child was unable to breath due to the water running so hard on his face. Although the evidence does not support the mother being with [S.B.] the morning of his death, it does support that the mother was aware of, or reasonably should have been aware of, ongoing abuse of her child by her boyfriend. Yet she continued to allow her boyfriend access to her child, which included unsupervised access the morning of the child's death. Using the preponderance of the evidence standard of proof, it is more likely than not that the mother was neglectful and failed to protect her child. Therefore, Sever[e] Neglect as defined by PC 11165.03 against the mother …, is substantiated, in that [mother] permitted the person or health of her child to be placed in a situation such that his person or health was endangered."

The disposition report indicated that on February 23, 2018, the Family Reunification Services Initial Review Panel (FRSIRP) determined that mother caused the

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[3] "Severe neglect" is defined in Penal Code section 11165.2, subdivision (a) as "the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. 'Severe neglect' also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered ... including the intentional failure to provide adequate food, clothing, shelter, or medical care."

death of S.B. within the meaning of section 361.5, subdivision (b)(4) and thus was subject to an analysis of four factors to determine whether reunification services were in the best interests of the children: (1) the parent's current efforts and fitness as well as the parent's history; (2) the gravity of the problem that led to dependency; (3) the strength of relative bonds between the dependent children and both parents and caretakers; and (4) the children's need for stability and continuity. After analyzing the four factors, the FRSIRP determined it would be in the best interest of the children to provide reunification services to mother. In support of its determination, it was noted that mother was employed, had reliable transportation, was looking for housing, and would be attending trauma/parenting classes. The report noted mother had a strong support system and had been cooperative and pleasant to work with. Although mother had a history with domestic violence, she had shown to be protective of her children. In 2015, she called the police as soon as the first domestic violence incident occurred with M.F., and a restraining order was placed on him, which expired July 2018. Regarding her most recent relationship, mother allowed F.W. into her home to visit with his son, S.W., even though there had been a restraining order against him from February 2017. During this visit is when the last altercation took place between mother and F.W. She stated she had not allowed him back into her home and there have not been any other domestic violence incidents reported since October 2017. The report also indicated it is apparent from visits that mother is nurturing and affectionate with her children. They respond well and are affectionate in return. The children tell social workers they miss mother and enjoy visits with her. Their caretaker reports they talk about mother frequently and express they cannot wait to get home. Based on this determination, the department recommended that mother be provided reunification services.

Minors' counsel objected to the department's recommendation that reunification services be provided to mother.

At the combined jurisdiction/disposition hearing on April 12, 2018, the juvenile court found by a preponderance of the evidence that the children came within its jurisdiction under subdivision (b) of section 300. The juvenile court found the section 300, subdivision (f) allegation had not been proven by a preponderance of the evidence and found the allegation not true. The court gave the following reasons for its ruling:

> "The Court had stated off the record that its indicated was that there was not a preponderance of the evidence as to the F count based on the Court's review of the jurisdiction/disposition reports as well as the attached police reports. That mainly pertain to the 2011 investigation into the minor's death, that many of the reports that were authored by Detective [F.] as well as Detective [G.] appeared that they did not believe that the mother was aware of the abuse and that she appeared shocked at the time, that she was shown photographs and explained to the extent of the abuse. The Court will also note that the injuries to the minor appear, according to the coroner, to have occurred within ten minutes to one hour of the minor's death and it does appear that the mother was not home during that time based on all the reports."

The court also held the section 361.5, subdivision (b)(4) bypass provision did not apply "for the same reasons that the Court found that the F count was not true" and ordered reunification services as to mother. The matter was set for a six-month status review. Minors filed a timely appeal.

DISCUSSION

Minors allege the court erred by not finding mother caused the death of a child by abuse or neglect within the meaning of sections 300, subdivision (f) and 361.5, subdivision (b)(4). We first address minors' contention in regard to section 300, subdivision (f).

The parties disagree over how to articulate the standard of review. Minors state the standard is "substantial evidence" and that they have the burden of showing there is "no evidence of a sufficiently substantial nature to support the order." Respondent argues because the juvenile court's finding was based on a "failure of proof," the proper standard is whether "the evidence compels a finding in favor of the appellant as a matter

of law."[4] This standard raises the question whether an appellant's evidence was (1) "uncontradicted and unimpeached" and (2) "of such a character and weight as to leave no room for a judicial determination that it was insufficient to support a finding." (*In re I.W.* (2009) 180 Cal.App.4th 1517, 1528.) We find respondent's proffered standard is a more appropriate articulation given that the court would not have needed any evidence to support a negative finding; thus, to ask whether substantial evidence supported it is an irrelevant question. There is, however, little practical difference between the two standards. Under the "substantial evidence" standard, we give great deference to the juvenile court and do not reweigh the evidence or exercise independent judgment. We draw all reasonable inferences in support of the findings, view the record in the light most favorable to the juvenile court's order, and affirm the order even if there is other evidence supporting a contrary finding. (*In re A.M.* (2010) 187 Cal.App.4th 1380, 1388.) We cannot say the evidence before the juvenile court compelled it to make the affirmative finding or that, in viewing the evidence in the light most favorable to the order, that it made unreasonable inferences in finding the burden of proof had not been met.

Section 300, subdivision (f) provides a child may be adjudicated a dependent of the juvenile court where his or her parent or guardian has caused the death of another child through abuse or neglect. (§ 300, subd. (f).) The petitioner in a dependency proceeding must prove by a preponderance of the evidence that the child comes under the juvenile court's jurisdiction. (§ 355, subd. (a).) Pursuant to section 361.5, if the court finds by clear and convincing evidence the parent caused the death of another child through abuse or neglect, it shall not order reunification services to the parent unless it finds by clear and convincing evidence that reunification is in the best interest of the child. (§ 361.5, subds. (b)(4) & (c)(2).)

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[4] Some appellate courts have used respondent's proffered standard in reviewing a juvenile court's finding that parents have not met their burden of proof in showing an exception to adoption should apply.

"Neglect" within the meaning of section 300, subdivision (f) can be willful or negligent. (*In re Ethan C.* (2012) 54 Cal.4th 610 (*Ethan C.*).) Here, there was no evidence mother directly caused the injuries from which S.B. died or that she intentionally meant to harm S.B.; put another way, there is no evidence mother caused the death of S.B. by abuse or *willful* neglect. Thus, the narrow question before the juvenile court was whether mother's *negligent* neglect caused the death of S.B. In reviewing findings under section 300, subdivision (f) where the allegation arises from negligence, courts apply principles of ordinary negligence and causation. (*Ethan C.*, *supra*, 54 Cal.4th 610.) Negligence is a "breach of ordinary care"; criminal negligence is not required. (*Id.* at p. 637.) "One's wrongful acts or omissions are a legal cause of injury if they were a *substantial factor* in bringing it about. [Citations.] If the actor's wrongful conduct operated concurrently with other contemporaneous forces to produce the harm, it is a substantial factor, and thus a legal cause, if the injury, or its full extent, would not have occurred *but for* that conduct. Conversely, if the injury would have occurred even if the actor had not acted wrongfully, his or her conduct generally cannot be deemed a substantial factor in the harm." (*Id.* at p. 640, italics added.)

Minors summarize several cases where reviewing courts have applied these principles in order to uphold findings that a parent caused the death of a child by negligent neglect. In *Ethan C.*, the California Supreme Court upheld a finding pursuant to section 300, subdivision (f) where the appellant did not buckle a child into a child safety seat, and the child was killed in a car accident. In *In re Mia Z.* (2016) 246 Cal.App.4th 883 (*Mia Z.*), a finding pursuant to section 300, subdivision (f) was upheld where the appellant let the child wander 120 feet away from the apartment and a rolling gate in a commercial parking lot fell on her and killed her. Minors also cite cases where the children suffocated because the parents were using drugs or were tired while co-sleeping with children. (See *In re Z.G.* (2016) 5 Cal.App.5th 705; *In re A.M.*, *supra*, 187 Cal.App.4th 1380.) These cases are not particularly helpful in reviewing the juvenile

court's finding here; just because the court *could have* made a particular finding does not mean it was compelled to.

Minors argue that, like the aforementioned cases, mother put S.B. "on the path" to a place where he was at lethal risk, and thus her acts or omissions were a substantial factor in S.B.'s death. They specify several acts and omissions by mother, including choosing Xavier as a partner, ignoring S.B.'s bruises and changes to his behavior, ignoring her family members' concerns, and ignoring the police and the department's attempts to check on S.B.'s welfare. They argue these acts and omissions cumulatively resulted in S.B. being left alone with Xavier, and thus mother's general negligence was a substantial factor in the cause of his death. They contend "section 300[, subdivision] (f) does not require evidence that the parent knew or even reasonably should have known that her child was at risk of death at the hands of another." They proffer that "[t]he proper focus is on the parental responsibilities to her young child, and whether the particular circumstances surrounding the child's death, establish that the parent's actions and omissions provide an undisputed causal link to the end result of his death."[5] We appreciate minors' argument, but they essentially ask us to reweigh the evidence.

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[5] We are not convinced that case law supports minors' interpretation that the department was not required to show mother knew or should have known either that Xavier was abusing S.B. or that leaving S.B. with Xavier constituted a lethal risk. Case law establishes that though the parent does not have to know of the exact instrumentality that ultimately causes the death, he or she *needs to appreciate the general risk of lethal consequences to his or her acts or omissions*. (See *Mia Z., supra,* 246 Cal.App.4th 883.) For example, in *Mia Z.*, it was not necessary that the appellant knew or should have known specifically that the rolling gate could have fallen on her daughter, but the court presumed she should have known that poorly supervising her daughter so that the daughter could get out into the street would result in *some lethal risks being posed to her*. (*Ibid.*) We find the department in this case was charged with showing that mother at least should have known Xavier was a lethal risk. However, our decision does not turn on this issue. We find even under minors' articulation of the issue, the juvenile court was not unreasonable in deeming the evidence not strong enough to show mother's negligence caused the death of S.B.

The kind of evidence that would have had to have been before the juvenile court to justify our potentially reversing its negative finding is illustrated in *Los Angeles County Dept. of Children & Family Services v. Superior Court* (2012) 211 Cal.App.4th 13 (*Cesar G.*). In *Cesar G.*, the appellate court reversed the juvenile court's finding that the appellant's child did not come within the jurisdiction of the court under section 300, subdivision (f). There, the child had been beaten and stomped on causing severe internal injuries. She had suffered from the injuries for hours to days before dying from them. The coroner and an expert confirmed that it *would have been obvious* the child was in pain and very ill and *the child's caretaker would have known the child needed immediate medical care*. The expert testified that *had the child received medical attention a few hours after the injuries, she could have been saved*. The appellate court concluded that the evidence before the juvenile court indisputably showed that but for the parent's failure to seek immediate medical care for the suffering child, she would not have died and thus the parent's negligence was a substantial factor and a legal cause of the child's death. (*Cesar G.*, at p. 21.) In *Cesar G.*, there was uncontradicted expert testimony that (1) not taking the child for medical treatment was unreasonable/negligent and (2) the negligent act caused the death because if the child had received medical treatment, she would not have died.

Here, *no* testimony was offered at the jurisdiction/disposition hearing, much less any that directly established that (1) mother was negligent and (2) negligence caused the death of S.B. The court was required to make its decision wholly on the reports and attachments. We cannot say the reports constituted evidence "of such a character and weight as to leave no room for a judicial determination that it was insufficient to support a finding." The juvenile court had little basis on which to assess the credibility of witnesses, as their statements were buried under multiple layers of hearsay. Nothing required the juvenile court to accept every or any statement from the reports as true. More importantly, there was no direct evidence or testimony that a reasonable person in

mother's position would have behaved any differently nor that the child would have died but for mother's acts or omissions. Despite minors' contention these conclusions were "undisputable," without such evidence, the juvenile court was tasked with making its own conclusions based on the evidence of the crucial determinations of whether mother's behavior was negligent and whether her negligence caused the death of S.B. The juvenile court was not unreasonable in finding the character of the evidence minors cite was insufficient to carry the burden required. To find in minors' favor based on this record, we would be forced to exercise independent judgment over the evidence. We are simply precluded from doing this.

We note that just because a showing of criminal culpability is not required to prove a parent caused the death of a child under section 300, subdivision (f), the court committed no legal error by relying in part on the detective's conclusion mother did not know of the abuse. The court clearly found the reporting detective's opinion persuasive on the point that mother did not actually know of the abuse. This finding did not preclude the juvenile court from also finding the evidence was insufficient as to the issues of whether mother was otherwise negligent, and that this negligence caused S.B.'s death. To the extent that minors suggest the court did not apply the correct legal standard, we presume the juvenile court knew and applied the correct statutory and case law in the exercise of its official duties. (Evid. Code, § 664; see *In re Johnson* (1965) 62 Cal.2d 325, 330; *People v. Sparks* (1968) 262 Cal.App.2d 597, 600–601.) Thus, we presume the court knew criminal culpability was not required for it to make the affirmative finding. We also note the comment in the detective's report that mother should have known of the bruising and change in S.B.'s demeanor does not compel a finding that mother's negligence was a substantial factor in the death of S.B.

Ultimately, we find the evidence minors cite regarding the months leading up to S.B.'s death, though troubling, did not compel the juvenile court to make the contrary finding. Because we find the juvenile court did not err by finding the department did not

meet its burden to prove the children came under the court's jurisdiction under section 300, subdivision (f), we need not address their contention the court erred by finding the bypass provision in section 361.5, subdivision (b)(4) did not apply. This contention is moot based on our decision, as the burden of proof for a section 361.5, subdivision (b)(4) finding is higher than required for a section 300, subdivision (f) finding. Finally, even assuming there was error, it would unlikely have had a practical effect, as the department recommended reunification services as to mother, and its recommendation was supported by ample evidence reunification would be in the best interests of the children.

DISPOSITION

The orders of the juvenile court are affirmed in all respects.

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DE SANTOS, J.

WE CONCUR:

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PEÑA, Acting P.J.

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SMITH, J.